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10 Attorneys for Plaintiffs  
11 AUTOMATTIC INC. and  
12 RETRACTION WATCH, LLC

13  
14 IN THE UNITED STATES DISTRICT COURT  
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16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
17  
18 SAN JOSE DIVISION

19 AUTOMATTIC INC. and  
20 RETRACTION WATCH, LLC,

21 Plaintiffs,

22 v.

23 NARENDRA CHATWAL,

24 Defendant.

Case No. 5:13-cv-05411-HRL

**PLAINTIFFS' NOTICE OF DISMISSAL**

Ctrm: 2 - 5th Floor

Judge: Honorable Howard R. Lloyd

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 41(a)(i), Plaintiffs Automattic Inc. and Retraction Watch, LLC hereby dismiss the Complaint without prejudice. The opposing party, Narendra Chatwal, has neither served an answer nor a motion for summary judgment, and indeed has not appeared.

It has become apparent to Plaintiffs that the contact information provided by Narendra Chatwal in his DMCA Notice was false. The address provided in that Notice could not be found by the Government of India when their process server attempted to serve him pursuant to the Hague Convention. The email address provided in the Notice bounced back. The telephone number provided in the Notice was disconnected. The registration for the domain name newsbulet.in was dropped, and historical WHOIS data for that domain was not available in the DomainTools historical database. In short, it appears that the party who submitted the DMCA Notice was making the same kind of misrepresentations about his or her identity and contact information as he or she was making when he or she alleged infringement.

The DMCA, as currently written, provides no remedy for parties who have suffered damage as a result of false DMCA notifications submitted along with false contact information. The service provider must take down the material in order to maintain its safe harbor, with no assurance that the party sending the notice is telling the truth—even about his or her own identity. This situation demonstrates the ways in which the DMCA can be abused, and the ways in which the abuser can sometimes avoid the consequences of their abuse.

Dated: August 15, 2014

DURIE TANGRI LLP

By: /s/ Joseph C. Gratz  
JOSEPH C. GRATZ

Attorneys for Plaintiffs  
AUTOMATTIC INC. and  
RETRACTION WATCH, LLC